

REMARKS

In the Office Action dated August 10, 2005, claim 13 was rejected under 35 U.S.C. § 112, ¶ 1; claims 1, 3-13 and 15-41 were rejected under § 112, ¶ 2; claims 1-12, 23-37, 40, and 41 were rejected under § 101; and claims 1, 3-13, and 15-41 were rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 6,804,678 in view of Urhan, "XJoin: Getting Fast Answers From Slow and Bursty Networks," CS-TR-3994 (Urhan).

DOUBLE PATENTING REJECTION

Although Applicant disagrees that the present claims are obvious over claims of U.S. Patent No. 6,804,678 in view of Urhan, a terminal disclaimer is enclosed herewith to obviate the double-patenting rejection.

REJECTION UNDER 35 U.S.C. § 112, ¶ 1

Claim 13 was rejected as lacking enablement. It is respectfully submitted that the lack of enablement rejection in this context is improper, since claim 13 is clearly enabled by the specification. Nevertheless, to address this rejection, Applicant is adding the phrase “one or more computer readable media” to line 3 of claim 13 as suggested by the Examiner. Therefore, withdrawal of this rejection is respectfully requested.

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REJECTION UNDER 35 U.S.C. § 112, ¶ 2

Claims have been amended to address these rejections. Therefore, withdrawal of the § 112, ¶ 2 rejections is respectfully requested.

REJECTION UNDER 35 U.S.C. § 101

Independent claims 1 and 23 were rejected under § 101 as being directed to non-statutory subject matter. To address the rejection of claim 23 (and its dependent claims), the term “computer readable” has been added to line 1 of claim 23. Therefore, withdrawal of the § 101 rejection of claim 23 and its dependent claims is respectfully requested.

Applicant respectfully disagrees with the assertion in the Office Action that claim 1 is directed to non-statutory subject matter. The Office Action cited the following case to support the § 101 rejection: *In re Shrader*, 22 F.3d 290, 30 U.S.P.Q.2d 1455 (Fed. Cir. 1994). It is noted that *In re Shrader* involves a method claim that recites a mathematical algorithm in the abstract. *See In re Shrader*, 22 F.3d at 292. The claim at issue in *In re Shrader* did not recite any components of a computer or other platform in which the method could be practiced. *See id.* In contrast, claim 1 of the present application is not merely an abstract idea that constitutes a disembodied concept or truth that is not useful. As explained by *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373, 47 U.S.P.Q.2d 1596 (Fed. Cir. 1998):

Unpatentable mathematical algorithms are identifiable by showing they are merely abstract ideas constituting *disembodied* concepts or truths that are not “useful.” From a practical standpoint, this means that to be patentable an algorithm must be applied in a “useful” way. (emphasis added).

Claim 1 of the present application clearly recites a method that is applied in a useful way. The method of claim 1 involves storing of tuples in a *database system*, where the tuples are distributed across *plural nodes* of the database system. The method further involves redistributing the first and second tuples across the *plural nodes* according to a partitioning. Moreover, the method of claim 1 recites hash joining the tuples to produce result tuples as the tuples are being redistributed across *the plural nodes*. The nodes of the database system recited in claim 1 constitute a machine in which a useful method according to claim 1 is practiced.

Since claim 1 recites statutory subject matter, withdrawal of the § 101 rejection of claim 1 is respectfully requested.

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In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-0225 (9558).

Respectfully submitted,

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